

## **Understanding Supervised Release and Probation Supervision**

There are 93 judicial districts in the United States. The policy of each district is created by the District Court and the Chief Probation Officer of the district. This book is to provide basic information about supervision. Be prepared to learn the policies and procedures for your district of supervision. Many districts are now on the web, where you can read more about your district and review their forms. For instance, the Northern District of Texas web address: <http://www.txnp.uscourts.gov>.

### **Conditions of release**

Each person under supervision has a set of standard conditions they must follow. Additional conditions can be imposed by the Court as well. Officers have the responsibility to ensure that offenders are abiding by all of their conditions. This is achieved through office, home, and employment visits. Additionally, officers may refer offenders to outside services for counseling, drug testing, education, vocational training, and any other needed services. Officers are ultimately trying to help offenders succeed on supervision and in life.

**It is the order of the Court that the defendant shall comply with the following standard conditions:**

- (1) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- (2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- (3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- (4) The defendant shall support his or her dependents and meet other family responsibilities;
- (5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- (6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- (7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician;
- (8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

- (9) The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- (10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- (11) The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
- (12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- (13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

### **Monthly report forms**

Each offender is required to submit a monthly report form by the 5<sup>th</sup> day of the month or as instructed by your officer. This form reports standard information such as address, phone number, employment information etc. It also asks questions about contact with law enforcement and other felons. It is crucial that each question is answered accurately each month. One common mistake is assuming that the officer has the information on file and thus not completely filling out each line including vehicle identification number or apartment numbers. While the officer may have the information you must realize it is your responsibility to fill it out completely each time. The monthly report is a legal document. An officer may instruct you to submit the report in person or to mail the report in to the probation office. Failure to submit as instructed, a truthful and complete report each month can be a violation of 18 USC § 1001. (Note this form is available on this site)

### **Gun Warning**

During your first visit with your officer you sign and are given a copy of a form called the "gun warning", which basically explains that if you are caught with a gun or ammunition of any kind after your felony conviction not only is it a violation of your conditions of release, it is a new charge. Even after you have completed your supervised release you are **never** allowed to possess a firearm again.

### **Employment**

One of the standard conditions of supervision is employment. However, it includes a section that says "unless excused by your probation officer for schooling, training, or other reasons." If you have someone that is willing to support you while you attend some type of education program the officer can waive the employment requirement. Additionally, if you have small children and have

a verifiable means of support you may be allowed to be a stay at home parent as well. **NOTE: if you have restitution or fine you will be required to make your court ordered payments as scheduled.** Employment must be verifiable through pay stubs and site visits. It is always best to be honest with employers about your supervision status as officers may visit at any time per your standard conditions.

#### A. Self employment

Many of you may desire to be self-employed upon release. Your officer will discuss with you if self-employment is a viable option. First, the Court may have ordered conditions that limit your being self-employed or restrict the type of work (profession) that you can obtain upon release.

Additional factors to consider involve basic business requirements such as do you have a developed business plan that includes that you follow the requirements of the state where the business is registered and operates. Basic requirements include such items as a DBA, and tax ID #. You must be prepared to have the necessary licensing requirements met and you must produce for your officer all these documents and any additional items that might be related to the specific business such as bonding requirements. Be prepared to discuss your funding plans and sources of funding. How will you support your self and pay your debts to the Court until you begin to make a profit?

Self-employment that requires travel outside your district of supervision will be closely reviewed prior to approval.

Third party risk issues must be identified and then a determination will be made to see if the proposed business plan could inflict undue risk on any other party.

#### B. Employment outside the district

If the employer is just outside the district and it is verifiable and stable it is ordinarily not an issue. However, if you want to be employed in a position that requires constant travel (i.e. truck driver) that will need to be approved on an individual basis with your officer.

### **Financial Information**

If you have a court-ordered debt to pay (Mandatory Special Assessment, Fine, Restitution and or Child Support), your officer may request that you complete additional documentation each month. Many officers in the Northern District of Texas use a Monthly Financial Supplemental Form help you track your income and expenses each month. This report is submitted each month along with a monthly supervision report. In addition, you will be expected to submit an annual financial statement, provide your officer a signed copy of your federal income tax return along with the appropriate schedules and you will be asked to sign a release each year so that a credit bureau history report can be obtained.

If you have a court-ordered debt you need to realize that in every U.S. Attorneys Office there is a Financial Litigation Unit (FLU). The U.S. Attorneys Office has the statutory responsibility to collect your court-ordered debt. From the date of your judgment, the FLU has 20 years to collect

on this debt. The FLU agent may garnish a portion of your wages, garnish a portion of your spouses' wages, garnish your income tax returns and put liens on your personal property.

You will be expected to pay your court-ordered debt to the best of your ability. Failure to pay your this debt when you have the ability to pay, can result in revocation. Every situation is evaluated on it's own merits to determine if the court-ordered amount you have been ordered to pay is reasonable for you. There are procedures that can be taken by your probation officer to notify the court of your specific circumstance and a recommendation can be made to the court regarding your payment requirements. There is a statutory requirement to notify the court when more that 3 payments have been missed.

### **Travel permits**

Travel is a privilege not a right. No person is allowed to travel outside of their district during the first 60 days of supervision. This is to allow time for the proper referrals to be made and ensure compliance with the conditions of release. Travel permits must be submitted 10 days in advance to allow time to confirm the details and nature of your trip. It is regularly requested that offenders report to the office upon return to submit a urine specimen to ensure compliance with drug conditions while on travel. Generally offenders are not allowed to travel for pleasure if they are delinquent in their fees or if they have been considered non-compliant in the recent past. However, exceptions for travel restrictions are made in cases of verified emergencies.

#### **A. Travel within the district**

Travel within the district does not require a travel permit, however; if your stay will be overnight it is a good idea to let your officer know in case they are planning a home visit during your absence. This communication can build a rapport with your officer and further a positive relationship. Please refer to the map of the Northern District of Texas at the end of this document.

Travel is normally not approved for recreational purposes if you are not in compliance with your payment of court-ordered debt. In other words, no vacation as long as there is a victim that needs to be paid their restitution.

#### **B. International Travel**

Travel outside the United States requires the approval of the Court. This process can take up to month to receive approval back from the court.

### **Pre-release requirements**

Typically a pre-release investigation is conducted to determine which halfway house is the best placement for you. Then once you are at the halfway house and prior to your release to supervision a second pre-release investigation is completed. It may be a matter of reconfirming the previously submitted plan or you may find that the previously approved plan is no longer the best plan for you. In any case the following information is needed by the investigating probation officer to complete

the pre-release investigation.

1. We need the complete address where you want to live. If it is in an apartment, what is the name of the complex? What is the apartment number? What is the gate code number so that we can enter the gate? If it is a rural setting, it might be helpful to have written directions to the house in addition to the address.
2. What are all the contact numbers for the person you want to live with-your sponsor? We will normally be contacting this person between the hours of 8 am and 5 pm, so where and at what number can we reach them during those hours? Please tell this person that we will be contacting them and that we are on a short-time frame. Let them know that we will be making an appointment to come to the residence to complete an inspection of the home. We will be determining if the proposed residence is appropriate. We want to make sure that there is room for you in the home, that there are no weapons, guns or drugs.
3. Make sure that your sponsor will be available to meet with a probation officer during the time immediately after the investigation is sent to the probation office. We cannot complete an investigation when the sponsor is away on vacation or in the hospital.
4. Tell your sponsor that we will be asking them for their drivers license number, their date of birth, their social security number to run a criminal history. We want to know if there are any felons in the home or any one under county, state or federal supervision. Every case will be evaluated on a case-by-case basis. We will expect anyone in the household to be up front about their criminal history from the beginning of our meeting with them.
5. We will determine if the placement is appropriate given city ordinances or if there are children in the residence, if you are sex offender.
6. What is your relationship to the person that we are contacting on your behalf? Have you been honest with them about your criminal history and habits? Please make sure that they know that once you are released to that residence, a probation officer will be making routine visits to the residence.
7. What is your Plan B, if Plan A falls through?

During the visit, the officer reviews your conditions and explains what they will mean to the other residents of the home. Often family and friends do not realize the extent of your criminal history or requirements of supervised release, they should hear that from you first.

### **Relocations**

You can seek to relocate to (live in) a district other than the one that you were sentenced in (jurisdiction). The investigating district will need all the same information as listed above. In addition, they may require that you sign a waiver agreeing to additional conditions of supervision prior to accepting you for supervision in the new district. This process can add a delay to your time frame, depending on how long it takes your sentencing district to respond to the request for

additional conditions to be imposed.

### **Half-way house requirements**

#### **VOA PLACEMENT INFORMATION**

On December 20, 2002, the Bureau of Prisons (BOP) changed procedures for designating individuals to Community Correction Centers, Comprehensive Sanction Centers and soon to be named Residential Re-entry Centers (halfway houses). The halfway houses in Hutchins and Fort Worth will be renamed Residential Re-entry Centers (RRC) when their contract is renewed, probably sometime in 2008. For the Dallas/Fort Worth area, the Volunteers of America halfway houses serve as contract providers and to the Bureau of Prisons.

The procedural change involves limitations on institution transfers to halfway houses for pre-release purposes. The designations to the halfway houses are limited in duration to the last 10% of an inmate's prison term to be served, not to exceed six months. Inmates completing the Residential Drug Abuse Program (RDAP) may exceed the 10% limitation, but are still limited to a maximum of six months halfway house placement. The Community Corrections Manager (CCM) is responsible for all designations.

Once a designation to a halfway house is made and the inmate arrives at the respective facility he/she will be allowed access to the community on gradual and limited bases. The inmate's case manager will review the procedures and qualifications with each inmate. All residents will be required to attend a substance abuse education program of at least 8 hours. Twelve hours of life skills classes are also required.

The Levels of progression are as follows:

Level 1: Full restriction, usually used for sanctions of noncompliant behavior.

Level 2: The inmate is limited to access to the community for work and treatment only.

Level 3: Identical to level 2 with the exception of a 4 hour recreation pass on the weekend.

Level 4: A 48 residence pass is permitted provided the inmate has an approved release plan by the U.S. Probation office and the VOA.

Level 5: Rarely used, usually reserved for electronic monitoring cases.

Level 6: Home confinement, which allows the inmate to spend an extended period of time at his/her residence if he/she has an approved release plan from the U.S. Probation office and

VOA.

### **POSSIBLE QUESTIONS ABOUT HALFWAY HOUSE:**

- 1) **Why can't I have a cell phone?** The possession of all electronic equipment must be approved by the CCM. If the inmate can prove he/she needs to cell phone for work purposes, it can be approved.
- 2) **Can I have access to a computer?** No access to the internet is not allowed.
- 3) **Can I drive?** Driving privileges can be approved for work purposes.
- 4) **Can I be self-employed?** No. VOA staff must be able to verify employment through a third party. Working for a relative is also discouraged.
- 5) **How soon do I have to secure a job?** Within 15 working days of arrival.
- 6) **Who administers punishment/sanctions while at the VOA?** Although the inmate usually meets with a USPO for re-entry supervision, the punishment is still administered by the BOP until the supervised release begins.
- 7) **Do I have to pay subsistence?** Yes, 25% of the inmates gross pay is provided to the VOA who forwards the funds to the BOP. Failure to pay fees could result in a loss of community access or a possible transfer back to the BOP.
- 8) **Can my family visit?** All visitors must be approved by the facility. If approved, all visitation determined by the facility.
- 9) **Can I attend church?** Yes, passes are allowed for church.
- 10) **When can I have a recreation pass?** If eligible, a 4 hour weekend pass can be approved after the inmate pays fees on a 40 hour work week. Not all inmates can be issued a weekend pass due to their designation restrictions. For instance, an inmate with a history of escape could be restricted to an employment status.
- 11) **Can an inmate have a pass for treatment?** Yes, passes are given to treatment clients for sessions outside the facility.
- 12) **What if I cannot work due to medical reasons?** An inmate will then be restricted to in-house chores or possibly volunteer work outside the facility.

**13) Can I go home while at the VOA?** If eligible, an inmate can progress to home confinement. This means the inmate can spend time at his/her residence. The inmate must have an approved release plan from the U.S. Probation office and the VOA.

**14) Can I purchase a vehicle or open a line of credit while at the VOA?** No, it is one of the conditions that you agreed to abide by while residing at the facility.

### **Drug Treatment**

If you are court ordered and to participate in drug aftercare treatment, you will be referred for services based on your individual situation. In making this decision, your officer will rely on the information in your presentence report and BOP progress notes including treatment completed while in custody and while at the halfway house. Your officer will also administer the TCU Drug Screen II. Based on this information, your officer may decide to refer you to drug aftercare treatment for an assessment or to begin treatment services. If you are referred for only an assessment, after meeting with you, the provider will submit a report and recommendations to your officer. If the provider does not recommend treatment, your officer may not require that you participate in drug aftercare treatment. This will only become an issue again if you test positive for an illegal drug or if there are other indications of noncompliance.

If you are placed in drug aftercare treatment, components of the programs vary based on the provider. Regardless, each program will include individual and group counseling. Based on your situation you will be required to participate in outpatient or inpatient treatment. You will remain in counseling until you have successfully completed the program. The duration of the program will vary based on your individual situation.

Upon commencing supervision, you will be placed in the random urine testing program. This will require that you call the drug testing vendor daily and you will need to report to the collection site to submit a urine specimen when your phase is called. We utilize a three-level phase system. The intent is to move you through the phase system and eventually out of the program. After completing the urine surveillance program, you remain subject to providing random urine specimens while on supervision.

You are subject to mandatory revocation of any illegal drug use while on supervision. While your officer will attempt to provide drug aftercare treatment in response to illegal drug use, you are subject to mandatory revocation if you test positive more than three times during a twelve month period pursuant to 18 USC 3565(b)(1).

### **Mental Health Treatment**

If the court has ordered mental health treatment as a condition of supervision, you will be referred to a licensed mental health professional for an assessment and possible medication management. There is no set length of time required for participation in mental health treatment. Your level of need and functioning, as evaluated and monitored by the probation office and mental health professionals, will dictate the length of time you will be required to participate in treatment. If the



need for psychotropic medication (mental health medication for depression, anxiety, bi-polar disorder, schizophrenia, etc...) is indicated, you will be referred to a psychiatrist for medication management. If you desire to see a private mental health treatment provider, discuss your request with your probation officer. Utilize mental health treatment as a tool to help you succeed on supervision.

### **Sex Offender Treatment**

If the court has ordered sex offender treatment as a condition of supervision, you will be referred to a licensed sex offender treatment provider for an assessment, testing, and treatment. As part of sex offender treatment, you will be submitting to psychological and physiological testing, including polygraph testing, the ABEL Screen, and penile plethysmograph testing. If you have been convicted of a registerable sex offense, you will be required to register with the local law enforcement agency (usually local police or sheriff's department) within 3-days of your release from custody. Failure to register as directed could result in new state and federal charges. The length of registration will vary depending on the offense(s) of conviction. There is no set length of time required for participation in sex offender treatment. Your level of risk, deviant sexual arousal, participation, and progress, as evaluated and monitored by the probation office and sex offender treatment agency, will dictate the length of time you will be required to participate in treatment.

### **Early Release**

According to federal statute all offenders are eligible for early release after one year of supervision. However, it is the decision of the sentencing judge. Some sentencing judges will not grant early release if a significant downward departure was given at the time of sentencing. Others will not consider it until you have reached 1/2 or 2/3 of your supervised release sentence. Some districts will grant an early termination with an outstanding fine or restitution balance, if payments have been made as ordered during the period of supervision. Other districts will not consider anyone for early termination as long as there is any outstanding debt to the court. A request for early release can be generated by the officer after they have examined your role in the offense, your compliance under supervision, and determined if the U.S. Attorney has an objection to early release. This process again underscores the importance of compliance on supervision and a good working relationship with your officer.

### **Revocation**

When a supervised release case is revoked it is likely that more supervised release will be imposed following the sentence. This is to ensure safety to the community and provide offenders with another opportunity to reintegrate into society in a positive way with all the assistance and resources that probation can provide. Nationwide, the revocation rate is 12 to 15%, which means that 85 to 88% of our clients are successful on supervision. We hope you will be one of them.

## Counties in the Northern District of Texas

